HON'BLE SRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE G.V. SEETHAPATHY

WRIT PETITION No. 11443 OF 2006

-

-

Between:

V. Mahesh

……Petitioner

And

Sri Venkateswara University,

rep. by Registrar, Tirupathi

and another

……Respondents

:: ORDER ::

Counsel for the Petitioner : Sri V.H.V.R.R.Swamy

Counsel for Respondent No.1 : None

Counsel for Respondent No.2 : Government Pleader for

Higher Education

Dated: 15-06-2006

Per G.S. SINGHVI, CJ

The petitioner who, as per the description given in the cause title of the writ petition, is doing some business in Chittoor District has filed this petition in the name of public interest litigation for quashing order dated 12-4-2006 issued by Registrar, Sri Venkateswara University, Tirupathi (for short 'the University') for appointment of Sarvasri B. Prabhakarudu, N. Vijaya Kumar Raju, V. Ravindra Reddy, K. Vijay Babu and B. Muninarayan Chetty as Executive/Assistant Engineers in the services of the University.

The petitioner has averred that he is not a well-educated person but is interested in education. He has relied on some newspaper report highlighting the alleged illegalities committed in the issue of order dated 12-4-2006. According to him, the Vice-Chancellor of the University has manipulated the issue of order dated 12-4-2006 despite the fact that there is no vacancy in the cadre of Deputy Executive Engineers and the State Government as well as the Executive Council of the University had opposed the appointments.

We have heard Sri V.H.V.R.R. Swamy, Advocate for the petitioner who argued that the order under challenge should be quashed because the University authorities have acted in complete disregard of the direction given by the State Government not to make appointment without the availability of the posts. He submitted that even though the petitioner is not directly concerned with the affairs of the University, he has the right to seek intervention of the Court in the matter of illegal appointments made by the University.

In our opinion, there is no merit to the petitioner's challenge to order dated 12-4-2006 and the writ petition is liable to be dismissed summarily because,

i. the petitioner's status is no more than that of a by-stander, insofar as the affairs of the University are concerned. He has neither averred that he had studied in the University nor any material has been placed on the record of the writ petition to show his interest in the functioning of the University or its services. As a matter of fact, in paragraph 2 of his affidavit, the petitioner has averred that he is not well educated. Therefore, the bald assertion made by him that he is interested in education cannot give locus to the petitioner to challenge the appointments made in the services of the University;

ii. the petitioner is not shown to have made any representation to the Department of Higher Education highlighting the alleged illegality/irregularity in the appointment of five persons named in order dated 12-4-2006. he has not even enclosed copy of the so-called newspaper report, which prompted him to invoke jurisdiction of this Court under Article 226 of the Constitution of India by filing this petition as a probono publico;

iii. the petitioner has not impleaded any of the five persons appointed as Executive/Assistant Engineers in the services of the University and without giving notice and opportunity of hearing to them, the Court cannot pass any order adversely

affecting their right to hold their respective posts, and

iv. the petitioner has neither placed on record nor questioned the legality of the decision taken by the Committee constituted by the University to look into the issue of promotions of Executive Engineers and Assistant Engineers or resolution No.1 (confidential) dated 31-3-2006 passed by the Executive Council. Without nullifying the recommendations made by the Committee constituted by the University and resolution passed by the Executive Council, the consequential order passed by the Registrar of the University cannot be annulled.

In our opinion, the casual manner in which the petitioner has approached the Court gives an impression that by filing petition in the name of public interest, he is seeking to espouse the cause of some person who may not have been selected for appointment as Deputy Executive Engineer in the Services of the University.

For the reasons stated above, the writ petition is dismissed. For filing a frivolous petition, the petitioner is saddled with costs of Rs.10,000/-. He shall deposit the amount of costs with the Andhra Pradesh Legal Services Authority within a period of one month from today.

The Member Secretary, Andhra Pradesh Legal Services Authority is directed to inform this Court in writing whether or not the petitioner has deposited the amount of costs, so that, if considered necessary, appropriate direction can be given for recovery of the costs.

G.S.SINGHVI, CJ

G.V. SEETHAPATHY, J

15-06-2006

ks / svs